



Austin City Council MINUTES

JULY 11, 1991

MEETING CALLED TO ORDER - 1:00 P.M.

1. Approved Minutes for Regular Meeting of June 27, 1991 and Special Meeting of June 28, 1991

On Councilmember Epstein's motion, Councilmember Larson's second, 5-0 Vote, Mayor Pro Tem Urdy, Councilmember Garcia out of the room.

1:00 P.M. - CITIZEN COMMUNICATIONS

2. Mr. Neal Tuttrup discussed environmental issues.
3. Mr. Leonard Lyons discussed communication to and from Council.
4. Mr. Richard Trachtenberg to discuss budgetary truthfulness and other oxymorons. Did not appear.
5. Ms. Laura MacClain, to discuss the anniversary of the cancellation of the Waste to Energy Plant. Did not appear.
6. Mr. J.D. Porter discussed the anniversary of the cancellation of the Waste to Energy Plant.
7. Ms. Betty Edgemond, to discuss Public Works and Transportation and a project at 410 Pressler. Did not appear.
8. Mr. Joseph Trochta discussed airport issues.
9. Mr. Richard H. Halpin discussed gang issues.

BOARD AND COMMISSION REPORTS

10. ARTS COMMISSION - To request Council support to research and develop an application for a grant from the National Endowment for the Arts Local Program. Report given by Bruce Willenzik and Maxine Barkan.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

11. Approved second/third readings of an Ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 9200-9299 Simmons road, Case No. C814-84-022, a request to replace fifty-three condominium residences with twenty-four single-family residences. SUNBELT SAVINGS, FSB, Richard Crank. First reading on May 23, 1991; Vote: 6-0, Councilmember Barnstone out of the room.

On Councilmember Nofziger's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

12. Approved execution of a twelve (12) month contract with W.E.T., Inc., Austin, Texas, for the supply of flashlight and lantern batteries for use by various departments, in an estimated amount not to exceed \$32,673, including the option to extend thereafter for up to one (1) twelve (12) month period in an estimated amount not to exceed \$32,673, for a total amount not to exceed \$65,346. (Funding included in the 1990-91 Operating Budget of the General Services Department). Low bid of eleven (11). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. 910457-1RF.

On Councilmember Nofziger's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

13. Discussed/Approved a Resolution expanding the scope of the Ethics Commission study of financial disclosure requirements and other requirements regarding ethics and public service. (Councilmember Bob Larson) With an amendment by Councilmember Larson to add a polygraph option; and an accepted friendly amendment by Councilmember Reynolds to restrict times when Council can receive contributions. Amendments to be referred to the Ethics Commission.

On Councilmember Larson's motion, Councilmember Epstein's second, 4-3 Vote, Councilmembers Nofziger and Garcia and Mayor Todd voted No.

ORDINANCES

14. Approved third reading of a Fee Waiver Ordinance for Subdistricts 1 and 2 of East 11th Street Neighborhood Conservation Combining District.

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-1 Vote, Councilmember Epstein voted No.

15. Approved second reading of an agreement between the City of Austin and Southwestern Bell Telephone Company for the purpose of operating its telecommunications business; the Telephone Company shall maintain and

construct its poles, wires, anchors, fiber, cables, manholes, conduits and other physical plant and appurtenances in, along, across, on, over, through, above and under all public streets, avenues, highways, sidewalks, bridges or public ways in said City.

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

16. Amended the 1990-91 Special Revenue Budget by accepting and appropriating a grant in the amount of \$252,006 from the National Council of Senior Citizens to the Parks and Recreation Department for a program to provide employment for low-income senior citizens. (The City's in-kind match is \$59,890. Funding in the amount of \$13,471 included in the 1990-91 Operating Budget and \$46,419 will be included in the FY 1991-92 Operating Budget of the Parks and Recreation Department).

On Councilmember Reynolds' motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Nofziger out of the room.

17. Amended the 1990-91 Special Revenue Fund by accepting and appropriating \$46,170 in grant funds from the Institute of Museum Services to the Parks and Recreation Department Special Revenue Operating Budget for the development of a marketing plan and acquisition of computer equipment and registration systems at the Austin Nature Center.

On Councilmember Reynolds' motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Nofziger out of the room.

18. Amended levying assessments to the Braker Lane/U.S. 183 to Kramer project by providing to all of the assessed properties the ability to avoid the assessment by conveying access to Braker Lane to the City of Austin. (Related to Item 19)

On Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Larson out of the room.

19. Approve accepting the work for improvements to Braker Lane from U.S. 183 to Kramer Lane, which is the fourth and final Ordinance necessary to levy paving assessments. (Related to Item 18)

Postponed to September 19, 1991.

RESOLUTIONS

20. Approved execution and negotiation of a contract award with SEACREST ENVIRONMENTAL SERVICES, INC., Houston, Texas, in an amount not to exceed \$108,000, and BIO-AQUATIC TESTING, INC., Dallas, Texas, in an amount not to exceed \$108,000 for a twelve (12) month agreement for toxicity testing of the City's various wastewater discharges and receiving streams, for a total amount of \$216,000. (Funding included in the 1990-91 Operating Budgets of the Water and Wastewater and Electric Utility Departments). Best proposal of six (6). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

21. Approved execution of three (3) twelve (12) month supply agreement contracts for the purchase of automotive parts to the following vendors: ARNOLD OIL CO., Austin, Texas, in an amount not to exceed \$77,000; MOTOR PARTS WAREHOUSE, Austin, Texas, in an amount not to exceed \$88,000; and COMPLETE AUTO & TRUCK PARTS, Round Rock, Texas, in an amount not to exceed \$35,000, for a total amount not to exceed \$200,000, with the option to extend for two (2) additional twelve (12) month periods, in the amount of \$77,000, \$88,000 and \$35,000 respectively, for each extension period, for a total amount not to exceed \$600,000. (Funding included in the 1990-91 Operating Budget of the General Services Department). Low bidders of seven (7). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. 910637-RF.

#20-21 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

22. Approved negotiation and execution of a contract with AT&T, Austin, Texas, for the relocation and installation of a City-owned PBX telephone system for the Department of Public Works and Transportation, in an amount not to exceed \$38,049.62. (Funding included in the 1990-91 Operating Budget of the Department of Public Works and Transportation). Best proposal of three (3). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

On Councilmember Reynolds' motion, Councilmember Nofziger's second, 7-0 Vote.

23. Approved execution of a contract with OWENS & MINOR, Houston, Texas, for disposable surgical wrappers used to wrap surgical instrument trays, in an amount not to exceed \$84,834, including the option to extend thereafter for up to one (1) additional twelve (12) month period, in an amount not to exceed \$84,834, for a total amount not to exceed \$169,668. (Funding included in the 1990-91 Operating Budget of Brackenridge Hospital). Low bid of three (3) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. BS1-097.

24. Approved execution of a contract award with OWENS & MINOR, Helotes, Texas, for a twelve (12) month supply agreement for disposable diapers, in an amount not to exceed \$59,196, including the option to extend thereafter for up to one (1) additional twelve (12) month period in an amount not to exceed \$59,196, for a total amount not to exceed \$118,392. (Funding included in the 1990-91 Operating Budget for Brackenridge Hospital). Low bid of six (6). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. B51-096.

25. Approved execution of a contract award with AUSTIN DIAGNOSTIC CLINIC ASSOCIATION, Austin, Texas, for renal dialysis services, in an amount

not to exceed \$550,000. (Funding included in the 1990-91 Operating Budget of Brackenridge Hospital). Sole Source. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. BC8-150.

#23-25 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

26. Approved execution of a contract with G.T. DISTRIBUTORS, Austin, Texas, for a twelve (12) month supply agreement for two hundred twenty-five (225) soft body armor bullet-resistant vests, in an amount not to exceed \$64,685.25, including the option to extend thereafter for up to two (2) additional twelve (12) month extension periods, in an amount not to exceed \$64,685.25 per extension, for a total amount not to exceed \$194,055.75. (Funding included in the 1990-91 Operating Budget of the Police Department). Low bid of five (5). 0% M/WBE Subcontractor participation. Reference No. 910586-1MN.

On Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Garcia out of the room.

27. Approved application for and acceptance of a grant in the amount of \$8,000 from the Texas Commission on the Arts for general project assistance to be used for lecture fees for a series of educational arts forums. (City's match is \$8,000. Funding included in the 1990-91 Operating Budget of the Parks and Recreation Department).
28. Approved application for and acceptance of a grant in the amount of \$2,000 from the Texas Commission on the Arts for the preparation of the touring visual arts exhibition, "Good Design Makes Good Cities", designed to promote excellence in the built environment. (City's match is \$2,000. Funding included in 1990-91 Operating Budget of the Parks and Recreation Department).
29. Approved naming the Butterfly Trail at the Zilker Garden Center the William Douglas "Doug" Blachly Butterfly Trail to recognize Mr. Blachly's volunteer work at the Zilker Garden Center. (No fiscal impact).

#27-29 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

30. Approved naming 412 acres of dedicated parkland within the Circle C Subdivision the "Slaughter Creek Metropolitan Park" to reflect the significant natural feature in the park. (Funding in the amount of \$1,000 included in C.I.P. 811-867-0363).

On Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Epstein out of the room.

31. Approved appointment of Deputy Court Clerks for full and limited purposes.

On Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

ZONING DISTRICTS

32. C14-91-0015 - JOSIE CHAMPION, by Planning Consultants, 5619-5719 F.M. 2222. From SF-2 to GR for Tract D1 and RR for Tract D2. Planning Commission Recommendation: To deny the requested zoning.

Postponed August 8, 1991.

33. C14-91-0016 - JOSIE CHAMPION, by Planning Consultants, 5600-5720 F.M. 2222, 6200-6210 Lakewood Drive, 6101-6409 S. Capitol of Texas Hwy. From SF-2 to GR for Tract E1, RR for Tract E2, and RR for Tract E3. Planning Commission Recommendation: To deny the requested zoning.

Postponed September 12, 1991.

34. C14-91-0028 - JERRY K. & REGINA SOUTHARD, 1104 & 1109 Blanco Street. From SF-3 to MF-3. Planning Commission Recommendation; To deny MF-3.

Referred to Planning Commission, on Councilmember Epstein's motion, Councilmember Larson's second, 7-0 Vote.

35. C14-91-0040 - SWC BRAKER/183 LTD., By: Site Specifics, 4813 Braker Lane West. From GR to CS-1. Planning Commission Recommendation: To grant CS-1, Commercial Liquor Sales.

Ordinance

36. C14-91-0036 - BENJAMIN FRANKLIN SAVINGS, By: Clark, Thomas, Winters; Escarpment Boulevard and Convict Hill Road. From LR, MF-1, RR to SF-2. Planning Commission Recommendation: To grant SF-2, Single-Family Residence (standard lot) subject to fiscal requirements for traffic signalization.

First Reading

37. C14-91-0037 - BENJAMIN FRANKLIN SAVINGS, by Clark, Thomas, Winters; Escarpment Boulevard and Convict Hill Road. From LO, LR, SF-6 to SF-2. Planning Commission Recommendation: To grant SF-2, Single-Family Residence (standard Lot), subject to fiscal requirements for traffic signalization.

First Reading

38. C14-91-0038 - UNIVERSITY COOPERATIVE SOCIETY, 507 West 23rd Street. From MF-4 to GO. Planning Commission Recommendation: To grant GO, General Office, subject to the retention of the existing Dabney-Horne House and a maximum height of 40 feet.

First Reading

#35-38 on Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Garcia out of the room.

39. C14-91-0039 - GEORGE STEPHEN, by REO Builders, Inc., 1704-1710 Lovingood Drive. From SF-3 to CS.

Withdrawn

40. C14-91-0047 - O.D. BRADSHER, By: Lockwood Engineers, 8300 IH-35 South. From DR, SF-2 to LI.

Ordinance

41. C14-91-0048 - PRIESMEYER PROPERTIES, 10720 North Lamar Blvd. From LI to CS.

Ordinance

42. C14-91-0049 - JOHN RUSHING, 5715 Burnet Road. From CS, CS-1 to CS, CS-1

Ordinance

#40-42 on Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Garcia out of the room.

43. C14-91-0042 - ROGER MAYNARD, by River City Engineering; 4426 Red River Street. From SF-3 to LO.

Postponed to July 25, 1991.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

44. 5:30 P.M. - Creation of a Health Services Oversight Committee, creation of a Task Force on the proposed Health Services and Financing District, and the creation of a Planning Committee to oversee the development of a community based non-profit hospital corporation, and adoption of work plan to accomplish the aforementioned.

Closed public hearing, on Mayor Pro Tem Urdy's motion, Councilmember Epstein's second, 7-0 Vote.

ITEMS FROM COUNCIL

45. Approved a Resolution revising the mission and composition of the Health Services Oversight Committee. (Mayor Pro Tem Charles Urdy)

On Mayor Pro Tem Urdy's motion, Councilmember Nofziger's second, 7-0 Vote.

46. Appointed members to the Health Services Oversight Committee. (Mayor Pro Tem Charles Urdy)

Appointed Mayor Pro Tem Urdy, Councilmembers Garcia, Nofziger and Reynolds, as well as Travis County Commissioners Reed and Biscoe and Judge Aleshire. On Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 7-0 Vote.

47. Discussed and approved Council 1991-92 Priority List. (Councilmember Bob Larson). List is as follows:

1. Youth-at-Risk
2. Health and Hospital
3. Police
4. Employee Morale/Compensation
5. Environment and Water Quality
6. Airport
7. Quality/Efficiency of Customer Service
8. Street/Infrastructure Maintenance
9. Parks and Recreation
10. Downtown Revitalization/Convention Center

On Councilmember Larson's motion, Councilmember Reynolds' second, 7-0 Vote.

48. Consider a Resolution in support of the Salvadoran Coffee Boycott by the City of Austin. (Councilmember Michael "Max" Nofziger)

Approved, on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-1 Vote, Councilmember Epstein voted No.

49. Directed the City Manager to enter into discussions with Bergstrom Air Force Base personnel and/or appropriate federal government representatives regarding providing continued health services for military retirees in the Austin area in the event that Bergstrom closes. (Councilmembers Bob Larson and Louise Epstein)

On Councilmember Larson's motion, Councilmember Epstein's second, 7-0 Vote.

50. Discussed/approved a Resolution directing the Mayor or his designee to submit a written request to the Secretary of Defense for economic assistance from the Department of Defense Office of Economic Adjustment, and any other Federal Agency that can provide economic assistance under the Base Closure Bill. (Mayor Bruce Todd and Councilmember Louise Epstein)

On Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

51. Amended Ordinance No. 900215-F to grant the Retirement Board of the Employees Retirement System the authority to enter into certain contracts, providing that the expenses incurred relating to those contracts be paid from the assets of the Retirement System and that any obligations incurred relating to those contracts be the responsibility of the Retirement Board. (Councilmember Gus Garcia)

On Councilmember Epstein's motion, Councilmember Garcia's second, 7-0 Vote.

52. Amended Ordinance No. 881006-J concerning the composition of the Downtown Commission. (Councilmembers Louise Epstein and Bob Larson)

On Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote, Councilmember Epstein voted No.

53. Approve an Ordinance which defines the duties and responsibilities of the City Auditor. (Mayor Bruce Todd)

Postponed until the Audit Committee recommendation is received.

54. Approve a Resolution asking Governor Ann Richards to add to the call of the First Called Special Session of the 72nd Texas Legislature or subsequent called special sessions H.B. 2868 as passed by the Texas House of Representatives during the 72nd Regular Session. (Councilmember Gus Garcia and Mayor Pro Tem Charles Urdy)

Referred to Sub-Committee, on Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

55. Approve a Resolution declaring opposition to the proposed location and operation of an asphalt plant in Oak Hill and urging Governor Ann Richards to add to the call of the upcoming special session or subsequent special sessions, H.B. 1905 as passed by the Environmental Affairs Committee during the 72nd Regular Session. (Councilmembers Gus Garcia and Bob Larson)

Motion

Councilmember Garcia made a motion, seconded by Councilmember Nofziger to approve the resolution to oppose.

Motion

The Council, on Councilmember Epstein's motion, Councilmember Larson's second, divided the question. (6-0 Vote, Mayor Pro Tem Urdy out of the room.)

Motion

The Council, on Councilmember Epstein's motion, Councilmember Garcia's second, adopted the resolution, deleting the last paragraph. (6-0 Vote, Mayor Pro Tem Urdy out of the room.)

Motion

The Council, on Councilmember Epstein's motion, Councilmember Garcia's second, voted to send the last paragraph of the resolution to Sub-Committee for study: (6-0 Vote, Mayor Pro Tem Urdy out of the room.)

"Be it further resolved, that the City Council of the City of Austin urge Governor Ann Richards to add to the call of the First Called Special Session of the 72nd Texas Legislature or subsequent special sessions H.B. 1905 as passed by the Environmental Affairs Committee during the 72nd Regular Session."

56. Approved a Resolution urging the 72nd Legislature to fully fund Senate Bill 351, the School Finance bill. (Councilmembers Gus Garcia and Bob Larson)

On Councilmember Garcia's motion, Councilmember Larson's second, 5-1 Vote, Councilmember Epstein voted No, Councilmember Nofziger out of the room.

62. Directed the City Manager to prepare a Request for Proposal (RFP) to be used for selecting a firm(s) to develop a masterplan for converting Bergstrom Air Force Base into a civilian airport, and for selecting a firms(s) to produce an Environmental Impact Statement for the Bergstrom site.

On Councilmember Epstein's motion, Councilmember Larson's second, 7-0 Vote.

63. Approved a resolution expressing support for the continued existence of the Lower Colorado River Authority as a political subdivision of the

State of Texas, with a friendly amendment by Councilmember Garcia to stop at Central Texas.

On Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Larson out of the room.

64. Appointed additional members to the Audit Committee.

Councilmembers Larson and Garcia, on Councilmember Reynolds Motion, Councilmember Epstein's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

EXECUTIVE SESSION (No Public Discussion on These Items)

Mayor Todd announced that Council would go into Executive Session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation, and for personnel matters. No final action, decision, or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

57. Pending/Contemplated Litigation - Section 2, Paragraph e

- a. Everett Charles Price, Jr., v. College Houses, Inc.; the City of Austin, Texas; et al.
- b. Circle C Municipal Utility District #4 - Administrative Proceedings before the Texas Water Commission.
- c. Allen G. English, Bradley English, Joan Fallis v. the City of Austin.

58. Advice from Counsel and/or Contemplated Litigation - Section 2, Paragraph e

Legal Advice concerning the franchise negotiations with Southwestern Bell Telephone Co.

59. Land Acquisition - Section 2, Paragraph f

Review of Real property acquisition.

RECESS

Council recessed for executive session.

ACTION ON THE FOLLOWING

60. Approve settlement of Allen G. English, Bradley English, Joan Fallis v. the City of Austin. Approved settlement of \$215,000.00, omitting Joan Fallis.

On Mayor Pro Tem Urdy's motion, Councilmember Garcia's second, 7-0 Vote.

APPOINTMENTS

Council made the following appointments:

BOARD OF ADJUSTMENT - John Goode, alternate

BUILDING & FIRE CODE BOARD OF APPEALS - David Hamill, Michael Holeman and John Matthews

BUILDING STANDARDS BOARD - David Brown, Willo Hardin, Joseph Luke and Terry Ortiz

CABLE COMMISSION - Richard Arriola, Shelly Brisbin, Andrea Fambles, Stuart Heady, Dean Langston and George Works

CAPITAL METROPOLITAN TRANSIT AUTHORITY BOARD - Barbara Burton, Charles Croslin, Thomas Glass, Lyndon Henry and Gilberto Rivera

ELECTRIC UTILITY COMMISSION - Robert Floyd, Charles Galvin, Phillip Hoffman and Dr. Marilyn Jones

ELECTRICAL BOARD - Ray Cleveland, Sherman Debusk, Kenneth Ewald and Thomas Walden

ENVIRONMENTAL BOARD - Fred Blood, Jack Evans, Jack Garrett, Jack Goodman and Edward Lee

HISTORIC LANDMARK COMMISSION - Patti Hall

MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES - Delores Gonzalez

MECHANICAL, PLUMBING & SOLAR BOARD - Thomas Alexander, Sidney Cox, Charles Ford and Patrick Usener

MH/MR BOARD OF TRUSTEES - Sunny Graham

MH/MR PUBLIC RESPONSIBILITY COMMITTEE - Patricia Roe

MUSIC COMMISSION - Susan Piver

PARKS AND RECREATION BOARD OF DIRECTORS - Hayden Brooks, Beverly Griffith, Neil Iscoe and Eliza May

PLANNING COMMISSION - Donald Bosse, Robert Cline, Gail Gemberling, Richard Huffman, Brooks Kasson and Catherine Vasquez Revilla

RESOURCE MANAGEMENT COMMISSION - Kenneth Altes, Stuart Garner, Glee Ingram and Peter Pfeiffer

SOLICITATION BOARD - George More, Richard Resnik and Alice Scarbrough

URBAN FORESTRY BOARD - Brother Daniel Lynch, Charles Potts, David Ramert
and Patrick Wentworth

URBAN TRANSPORTATION COMMISSION - John Hickman

ADJOURN - The meeting was adjourned at 8:00 P.M.